

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FREEDOM BOAT CLUB, LLC, as
owner, for exoneration from or
limitation of liability, of a 2019
Scout 210 Dorado Vessel, Hull ID
No. SLPGS494E819,

Petitioner,

Case No.: 2:21-cv-95-SPC-NPM

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ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R&R"). ([Doc. 29](#)). Judge Mizell recommends entering default judgment against all potential claimants except Eileen Hayes. Nobody timely objected. And the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence of specific objections, there is no requirement that a district judge review the R&R *de novo*. See [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error

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as demanded by the interests of justice. *See, e.g., Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. So it accepts and adopts the R&R in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 29](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Petitioner Freedom Boat Club LLC's Motion for Default Judgment ([Doc. 25](#)) is **GRANTED**.
3. The Clerk is **DIRECTED** to enter a default judgment of exoneration in favor of Freedom Boat Club against all potential claimants, except Eileen Hayes.

DONE and ORDERED in Fort Myers, Florida on November 23, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record